

R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

The rejection of claims 1-20 under 35 U.S.C. §102(e) as being anticipated by Jackson is respectfully traversed and should be withdrawn.

Applicants' representative requests that the Examiner clarify which of the portions of the publication to Jackson et al. are entitled to a filing date earlier than the filing date of the present application. In particular, the present application was filed on March 20, 2001. The Jackson publication is a continuation-in-part on an application filed on November 2, 2001, which in turn is a continuation-in-part of an application filed on June 12, 2001. This string of subject matter, on its face, is not prior art since the Applicants' invention was filed on March 20, 2001. Next, the Jackson reference claims priority to a continuation-in-part application (no. 09/797,404, filed on March 1, 2001). Applicants' representative respectfully asserts that a declaration can be prepared to show a conception and reduction to practice prior to March 1, 2001.

However, Applicants' representative also recognizes that a fair number of provisional applications are also included as

possible priority sources. It is unclear from the record whether the subject matter used by the Examiner in the rejection of the presently pending claims is entitled to the benefit of any of these provisional applications. In particular, if all of the subject matter of the Jackson publication were entitled to the benefit of the provisional filing date(s), one would not expect a series of continuation-in-part applications in addition to the provisional applications. A continuation-in-part application, by its very nature, implies that subject matter was added **after the filing date of the original application**. In contrast, claiming benefit to a provisional application implies that additional matter has not been added. Since the Jackson reference is a continuation-in-part application, new subject matter appears to have been added.

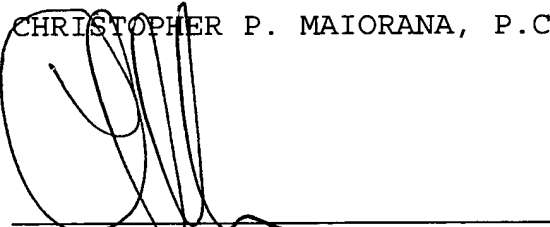
Therefore, clarification is requested on (i) which portions of Jackson are entitled to an earlier filing date and (ii) whether the rejection is based on such portions. If an earlier filing date can be shown, Applicants' representative requests a copy of a provisional application that is believed to contain the subject matter of the Jackson publication. Such information is believed to be public, since the Jackson reference incorporates "each of the foregoing applications" (see the last portion of the priority statement in column 2 of paragraph 0001). Furthermore, such information is critical to an informed decision on what step to take in materially advancing the prosecution of the application.

The Examiner is respectfully invited to call the Applicants' representative should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge our office Account No. 50-0541.

Respectfully submitted,

CHRISTOPHER P. MAIORANA, P.C.

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by several vertical strokes, positioned over a horizontal line.

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